

REMARKS

By this amendment, the limitations of claims 2 and 3 have been added to claim 1, and claims 2 and 3 have been canceled. Claims 4, 7 and 8 have been made independent.

Claim 3 was rejected under 35 U.S.C. §103(a) over Diethorn ('080) in view of Chang ('629). The Examiner concedes that Diethorn fails to disclose a switch causing the telephone to enter into a speaker phone mode when the remote microphone is removed, but argues that Chang address this deficiency, citing column 3, lines 7-9 of Chang. Applicants respectfully disagree. First, column 3, lines 7-9 of Chang reads as follows:

"Figure 4 shows an alternative approach to computing time delay using an adaptive filter 402."

What, Applicants ask, does this have to do with a removal of remote microphone? Secondly, it is abundantly clear that the microphones of Chang et al. are hard-wired. Not only is there no teaching or suggestion of wireless communication of any kind, but the figures (Figure 1, for example) and all of the accompanying text show microphones hard-wired to module 106. Additionally, the Examiner has shown no teachings or suggestions *from the prior art* such that *prima facie* obviousness has not been established.

Claim 7, now in independent form, stands rejected under 35 U.S.C. §103(a) over Diethorn in view of Palermo (Application '011). Although Palermo teaches a headset in use with a base station, it would not be obvious to modify Diethorn to provide a handset as taught by Palermo, since there is no teaching or suggestion from these references to do so. Diethorn had every opportunity to consider the use of a headset for hands-free operation, but in all embodiments, a hand-held unit is disclosed and described.

Claim 4, now in independent form, stands rejected under 35 U.S.C. §103(a) over Diethorn in view of Chang. Claim 4 includes the limitation of a plurality of wireless microphones, along with audio processing circuitry operative to deliver the signals from each microphone to a telecommunications network through an interface. The Examiner argues that Chang "teaches a plurality of remote microphones," referencing Figure 1, item 107. However, as discussed elsewhere in this response, these are not wireless microphones, such that even if Diethorn and Chang were combined, the invention of

claim 4 would not result. Accordingly, *prima facie* obviousness has not been established. Claim 8, now in independent form, includes the limitation of a base unit forming a video teleconferencing system including a video camera for capturing images, along with other recitals. The Examiner concedes that Diethorn fails to disclose a video teleconferencing system, but argues that it would have been obvious to utilize Chang's video capabilities with Palermo's base station in order to allow the user of Diethorn's portable device to be able to portray himself or herself to the person they are communicating to. This reasoning is flawed on several grounds. First of all, Applicants are first let to believe that these claims are rejected only over Diethorn in view of Chang, yet the Examiner brings in Palermo for some reason unknown to Applicants. Secondly, the justification that the Examiner presents is nothing more than the reason why some people choose video teleconferencing in the first place, namely, to be able to see the other person. That is really not germane to the rejection of Applicants' claims *in combination* to reject the same on obviousness grounds. Given that the Examiner has provided no teaching or suggestion from the prior art in support of his argument, rejection under 35 U.S.C. §103 is expressly precluded.

Although Applicants believe the dependent claims of this application are allowable due to the allowability of the independent claims, it is noted that the rejection of claim 9 appears to be a fabrication, insofar as Chang has no such teaching of a remote microphone which retransmits a wireless signal to determine a positional aspect of a user. Reference to the Abstract of Chang does not seem to teach what the Examiner feels it does. The same holds true of claims 10-12. Although the Examiner claims that Chang teaches "autofocusing," referencing column 2, lines 59-60, Applicants can find no such teaching. Perhaps the Examiner can enlighten the undersigned as to exactly what sections of Chang he is referring in making this rejection.

Based upon the foregoing amendments and comments, Applicants believe all claims are in condition for allowance. Questions regarding this application may be directed to the undersigned at the telephone/facsimile numbers provided.

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Respectfully submitted,

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